

RCE / 1600
#21
4/9/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher Robert BEBBINGTON et al.
Title: RETROVIRAL VECTORS COMPRISING A FUNCTIONAL
SPLICE DONOR SITE AND A FUNCTIONAL SPLICE
ACCEPTOR SITE
Appl. No.: 09/508,516
Appl. Filing Date: 06/08/2000
Examiner: M. Wilson
Art Unit: 1633



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REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Commissioner for Patents
Box RCE
Washington, D.C. 20231

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment/reply previously filed on ____.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on ____ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ____.
- ☐ Other ____.

b. Enclosed are:

- ☒ Amendment/Reply.

- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of ___ listed reference(s).
- ☐ Other .

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ___ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e)				\$740.00	\$740.00
Total Claims:	25	24	= 1	x \$18.00	= \$18.00
Independents:	1	7	= 0	x \$84.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$280.00	= \$0.00
CLAIMS FEE TOTAL:					= \$758.00

- ☒ Applicants hereby petition for an extension of time under 37 C.F.R. § 1.136(a) for the total number of months checked below:

<input type="checkbox"/> Extension for response filed within the first month:	\$110.00	\$0.00
<input type="checkbox"/> Extension for response filed within the second month:	\$400.00	\$0.00
<input checked="" type="checkbox"/> Extension for response filed within the third month:	\$920.00	\$920.00
<input type="checkbox"/> Extension for response filed within the fourth month:	\$1,440.00	\$0.00
<input type="checkbox"/> Extension for response filed within the fifth month:	\$1,960.00	\$0.00
EXTENSION FEE TOTAL:		\$920.00
CLAIMS AND EXTENSION FEE TOTAL:		\$1678.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):		\$0.00
<input type="checkbox"/> Suspension of action requested under 37 C.F.R. § 1.103(c)		\$0.00
TOTAL FEE:		\$1678.00

- ☒ A check in the amount of \$1678.00 to cover the filing fee is enclosed.

- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date April 3, 2002

By Michele M. Simkin

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Registration No. 34,717

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DONOR SITE AND A FUNCTIONAL SPLICE ACCEPTOR SITE

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AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATIONCommissioner for Patents
Washington, D.C. 20231

Sir:

This is a response to the Advisory Action mailed on January 15, 2002, in connection with the captioned application. This document also constitutes a submission, which 37 C.F.R. § 1.114 requires to be filed concurrently with the accompanying Request for Continued Examination.

Please amend the application as follows.

IN THE CLAIMS:

Please cancel claims 20, 25-26, 28-29, 31-41, and 43-45 without prejudice or disclaimer thereof.

In accordance with 37 C.F.R. §1.121, please substitute for claims 1-19, 21-24, and 42 the following rewritten versions of the same claims, as amended. All changes are shown explicitly in the attached "Version with Markings to Show Changes Made."

1. (Twice Amended) A retroviral vector comprising:
- (a) a first nucleotide sequence ("NS") containing a functional splice donor site; and
 - (b) a second NS containing a functional splice acceptor site; wherein: